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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

FITZGERALD, JOHN P

ART UNIT

PAPER NUMBER

3637

DATE MAILED: 12/31/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/941,157

Applicant(s)

PANG CHAN ET AL.

Examiner

John P Fitzgerald

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 October 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,3-36,55 and 56 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-15 is/are allowed.
- 6) ☒ Claim(s) 16-36, 55 and 56 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Response to Amendment***

1. In view of applicant's amendment filed 09 October 2003, rejections under 35 U.S.C. § 112, as well as objections to the specification are hereby withdrawn.

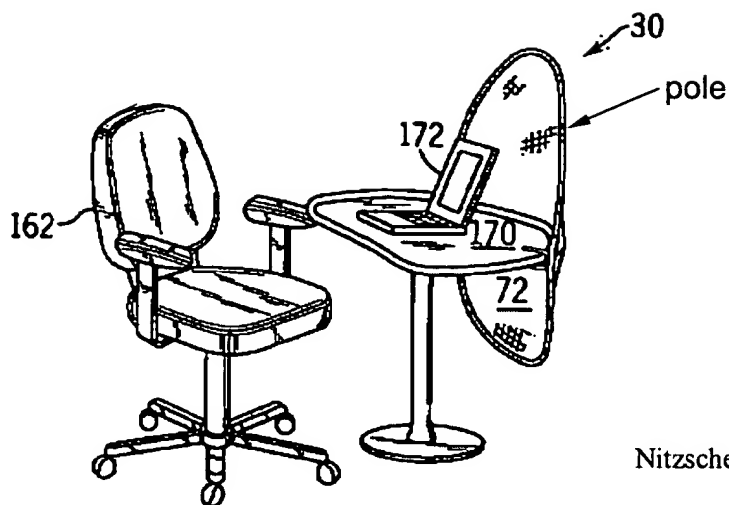
***Claim Rejections - 35 USC § 103***

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
3. Claims 16, 17, 21, 30-35 and 56 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Watrous et al. and Vogt et al. Watrous et al. discloses a table (10) (Figs. 1-17) comprising a support structure (26) comprising a support platform (22, 48), a work surface (10) comprising a first and second surface wherein the first surface is supported by the support platform; and a cap member (16) disposed on the second surface, wherein the cap member is connected to the support platform by clamping via a fastener (28, 54) through a slot (24, 52). Watrous et al. do not expressly disclose a table further comprising an accessory being a rail having a substantially flat mounting portion; wherein the mounting portion is disposed between the first surface and the support platform. Vogt et al. teach a table (Figs. 1-10) having a rail accessory (26) having a mounting portion (25) disposed between a support surface (7) and a work surface (20). It would have been obvious to one having ordinary skill in the art at the time the invention was made to employ an accessory rail, as taught by Vogt et al., modifying the table disclosed by Watrous et al., thus providing ability for storage units (Vogt et al.: col. 5, lines 5-8).

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In specific regards to the mounting portion being "substantially flat," it would have been an obvious matter of design choice to modify the curved portion of the support surface, since applicant has not disclosed that a substantially flat mounting portion solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with any type of shaped or fitted mounting portion to mount the accessory rail.

4. Claims 18-20 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Watrous et al. and Vogt et al. as applied to claim 16 above, and further in view of Nitzsche. Watrous et al. and Vogt et al. disclose a table having all the elements stated previously. Watrous et al. and Vogt et al. do not expressly disclose a table having a screen accessory, wherein the screen comprises a curved pole disposed over a portion of the second surface of the work surface and wherein the screen further comprises a bi-directional stretchable material. Nitzsche teaches a table (170) (Figs. 1-8) having a screen (30) made of a bi-directional stretchable material (72) (Nitzsche: col. 4, lines 5-16); the screen having a curved pole (40) disposed over a portion of the second surface of a work surface. It would have been obvious to one having ordinary skill in the art at the time the invention was made to employ the accessory screen taught by Nitzsche, modifying the table disclosed by Watrous et al. and Vogt et al., thus providing selective privacy to a work environment (Nitzsche: col. 2, lines 63-65).



Nitzsche

FIG. 8

5. Claim 22 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Watrous et al. and Vogt et al. as applied to claim 16 above, and further in view of Kirsch. Watrous et al. and Vogt et al. disclose a table having all the elements stated previously. Watrous et al. and Vogt et al. do not expressly disclose a table wherein at least a portion of the cap member is raised about the upper surface of the work surface, wherein the work surface comprises a first work surface, and further comprising a second work surface having an opening shaped to receive the raised portion of the cap member, wherein the second work surface is disposed on the first work surface and is indexed on the cap member. Kirsch teaches a table (Figs. 1-4) having work surface (A) comprising a first work surface, and a second work surface (C) disposed on the first work surface; wherein raised members (15) are above the first work surface and receiving openings (10) are disposed on the second work surface to engage the raised members. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the cap of the table disclosed by FR 1,282,874 to Escaut and Watrous et al. with raised portions to engage an opening in a second work surface, as taught by Kirsch, thus a second work surface

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protective covering for the first work surface and retaining means for holding the second work surface in place against slippage which may result in breakage or damage to the table top (Kirsch: col. 1, lines 1-6).

6. Claims 23-29, 35, 36 and 55 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Nitzsche and LaMotte. Nitzsche discloses a workspace (Figs. 1-8) comprising a screen (30) comprising a pole having a curved portion and sheet material web (72) at least partially circumscribed by the frame (Nitzsche: col. 2, lines 16-24) comprising a first edge portion connected to the pole and a second edge portion wherein the second edge portion is positioned such that the sheet material web has a non-planar contour; wherein the sheet material web comprises a bi-directional stretchable material (72) (Nitzsche: col. 4, lines 5-16); further comprising a work surface member (170) comprising a substantially planar work surface member and an edge formed around at least a portion of the periphery thereof, wherein the pole extends out of a plane defined by the work surface and wherein the sheet material engages a portion of the edge of the work surface member; wherein the work surface member comprises a side edge and rear edge, and wherein the sheet material web engages a portion of each of the side and rear edges; a fitting (102) wherein one end of the pole is received in the fitting, wherein the fitting is connected to the work surface member. Nitzsche further discloses that the sheet material web is at least partially circumscribed by the pole, the web having a shape at least partially defined by the pole, thus allowing for a second free edge along with an attached first edge (Nitzsche: col. 2, lines 16-42). Nitzsche additionally discloses that the screen may be associated with any type of article of furniture and variations in mounting arrangements and methods of mounting the screen, such as from a side of a work surface to the rear of a work

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surface and wherein the fitting is mounted between the support structure and the work surface member, and or other workspace elements (Nitzsche: col. 8, lines 23-57 and col. 9, lines 37-40). Nitzsche does not expressly disclose a workspace wherein the screen comprises at least a pair of ties spaced along and extending from the second edge, wherein the ties are adapted to secure the screen to a support structure and wherein the second edge portion comprises a free edge free of any connection to the pole. LaMotte teaches a screen (Fig. 1) comprising: poles (28, 30) having curved portions, a sheet material (10) connected to the poles; the sheet material having edge portions comprising a free edge free of any connection to the poles and a pair of ties or loops (14, 16) spaced along and extending from an edge. It would have been obvious to one having ordinary skill in the art at the time the invention was made to employ the free edge and ties taught by LaMotte, modifying the workspace screen disclosed by Nitzsche, thus providing an angularly adjustable, and collapsible lightweight screen (LaMotte: col. 1, lines 9-16). Furthermore, it is considered well known and well within the ordinary skill of one in the art to vary mounting positions and locations of a screen relative to a work surface member to provide the level of privacy desired; including method steps recited in claims 35, 36 and 56, or any method steps utilizing the elements and teachings of Nitzsche and LaMotte to create a desired workspace environment. Lastly, since the "support structure" in claim 55 is not part of the claims, it is not given any patentable weight. Furthermore, the "adapted to" phrases such as "adapted to secure said screen to a support structure." is an intended use and/or desired result which carries no patentable weight.

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***Response to Arguments***

7. Applicant's arguments with respect to claims 16-36 have been considered but are moot in view of the new ground(s) of rejection.

***Allowable Subject Matter***

8. Claims 1-15 are allowed over the Prior Art of record.

***Conclusion***

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John P. Fitzgerald whose telephone number is (703) 305-4851.



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The examiner can normally be reached on Monday-Friday from 7:00 AM to 3:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai, can be reached on (703) 308-2486. The fax phone number for the organization where this application or proceeding is assigned is (703)-872-9306. Any inquiry of a general nature relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-1113.



JF  
12/29/2003

LANNA MAI  
SUPERVISORY PATENT EXAMINER  
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